

waterworks therefor; and to provide for the payment of said bonds and interest thereon.

Also—

House Bill No. 690:

A bill to be entitled an act to authorize the town of White Springs, in Hamilton County, to issue bonds and granting certain powers in connection therewith.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

J. G. KELLUM,

Chief Clerk of the House of Representatives.

And House Bill No. 668, contained in the above message, was read the first time by its title, and was referred to the Committee on Municipalities.

And House Bill No. 671, contained in the above message, was read the first time by its title and was referred to the Committee on Municipalities.

And House Bill No. 689, contained in the above message, was read the first time by its title and was referred to the Committee on Municipalities.

And House Bill No. 690, contained in the above message, was read the first time by its title.

Mr. McLeod moved that the rules be waived and that House Bill No. 690 be placed on the Calendar of Bills on the Second Reading without reference.

Which was agreed to by a two-thirds vote, and House Bill No. 690 was so placed.

ORDERS OF THE DAY.

The first order being on the motion of Mr. Johnson to reconsider the vote by which the Senate failed to pass—

Senate Bill No. 88:

A bill to be entitled an act to provide for the temporary transfer of money from one county fund to another.

The motion was taken up.

Mr. Johnson moved that the order be passed informally.

Which was agreed to.

Senate Bill No. 178:

A bill to be entitled an act to encourage, protect, regulate and develop the oyster industry of the State of Florida, and to increase the revenues of the State there-

from by recognizing and declaring the ownership of the State in and to the bottoms or beds of the bodies or streams of water along the coast of the Gulf of Mexico and along the coast of the Atlantic Ocean and the waters of the Gulf of Mexico and the Atlantic Ocean within the jurisdiction of the State of Florida not heretofore granted or conveyed, for the purpose of giving exclusive rights to plant oysters; by prohibiting other alienation of same in fee; by recognizing and declaring the ownership of the State in and to all reefs of oysters growing naturally thereon; by granting in fee simple the rights of the riparian proprietors to the oyster reefs above low water mark, for the protection of those heretofore engaged in the growing of oysters; by creating the office of Oyster Commissioner of the State of Florida, and defining his powers and duties; by providing for the leasing of oyster lands belonging to the State; by providing for the licensing, registration and designation of vessels employed in the oyster industry; by levying a special assessment or privilege tax on oysters produced in said waters, and a police license on persons, firms, corporations and vessels engaged in the oyster industry; by providing for the manner of collecting, handling, depositing and disbursing the revenues derived from said industry, and the distribution of the surplus revenues; by providing for the protection of the natural oyster beds of this State, and for the creation of artificial reefs or beds; by providing such other regulations and provisions as are necessary to properly carry out the object and purposes of this act; by providing penalties for the violation of this act; and by providing for the repeal of all laws on the same subject matter and in conflict with the provisions of this act.

Was taken up in its order with the pending amendments, to wit:

Strike out all after the word "purpose," in line 1, Section 5, down to the word "the," in line 11, Section 8, and insert the following in lieu thereof, "and shall have authority to arrest any person or persons violating any of the provisions of this act."

The question was put upon the Substitute for the Amendment offered by Mr. Harris, as follows:

Strike out the words "use such arms as may be necessary to."

Which was withdrawn.

Mr. Flournoy offered the following substitute to the amendment offered by Mr. Cottrell to Committee Substitute for Senate Bill No. 178:

After the word "acquire," in line 2, Section 8, add the words "by and with the approval of the Governor and subject to the limitations of this act."

And after the word "establish," add the words "upon the approval of the Governor."

And after the word "to," in line 8, Section 8, strike out the words "use such arms as may be necessary to."

And after the word "Commissioner," in line 11, add the words "upon the approval of the Governor."

And after the word "he," in line 14, add the words "upon the approval of the Governor."

Mr. Flournoy moved to adopt the substitute for the amendment offered by Mr. Cottrell.

Which was agreed to, and the substitute therefor was adopted.

The question recurred upon the substituted amendment, which was adopted.

Mr. Johnson offered the following amendment to Committee substitute for Senate Bill No. 178:

At the end of line 1, Section 8, add the following, "by and with the consent of the Governor."

Which was withdrawn.

Mr. Buckman offered the following amendment to Committee substitute for Senate Bill No. 178:

Insert the word "personal" before the word "property," in line 3, Section 8, printed bill.

Mr. Buckman moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Buckman offered the following amendment to Committee substitute for Senate Bill No. 178:

Add after the word "act," line 10, Section 8, printed bill, "but no such vessel shall be owned or used without the concurrence of the Governor; and provided, that such vessel or vessels shall be under the direct command of the Commissioner or other person or persons of judgment and discretion to be appointed by the Commissioner with the approval of the Governor, and at a salary as the Governor shall approve, to be paid out of the fund provided for herein."

Mr. Buckman moved to adopt the amendment.

Which was agreed to, and the amendment was adopted. Mr. Flournoy offered the following amendment to Committee Substitute for Senate Bill No. 178:

At the end of Section 3 add: "Provided that upon the establishment by law of a department of game and fish for this State, then the oyster industry of this State, and all matters and things connected therewith shall thereafter and immediately upon the appointment of a State Game Commissioner rest in and be under the control and management of the State Game and Fish Commissioner, and thereupon both the departments of the State Game and Fish, and the Department of the Oyster Industry shall become merged and constitute but one department and such department shall thereafter be known as the "Department of Game, Fish and Oysters of Florida," and be thereafter under the control and management of one Commissioner, and such deputies, agents and employes as he shall upon the approval of the Governor, deem necessary to appoint, and thereafter the salary of the State Game, Fish and Oyster Commissioner shall be the sum of Two Thousand Dollars (\$2,000) per annum, payable proportionately out of the State Game, Fish and Oyster fund in the same manner as other state officers are paid from other funds.

Mr. Flournoy moved to adopt the amendment.

Which was not agreed to and the amendment was lost.

Section 9, of the Substitute for Senate Bill No. 178 was read.

Mr. Cottrell offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out all after the word "oysters," in line 10 down to the word "gathered" in line 11, Section 9; also the words "or consumption," where it appears in said section thereafter.

Which was withdrawn.

Mr. Williams offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the word "sale," and add to Section 9 "nothing in this act shall be construed so as to require those gathering oysters for home consumption or oyster mart from any of the natural oyster reefs of this State to pay a tax on such oysters."

Mr. Williams moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Dayton offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the word "two" in line 9 of Section 9, and insert in lieu thereof the following: "Five."

Mr. Dayton moved the adoption of the amendment.
Which was not agreed to.

Mr. Williams offered the following amendment to Committee substitute for Senate Bill No. 178:

After the word "Florida," line 11, of Section 9, printed bill, insert "unless such oysters be gathered from without the jurisdiction of the State of Florida, the burden of proof to be upon the person, firm or corporation having the possession of the same."

Mr. Williams moved the adoption of the amendment.
Which was agreed to, and adopted.

Mr. Humphries offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the words "or consumption," in line 14, Section 9, and "for consumption," in line 19, Section 9.

Mr. Humphries moved the adoption of the amendment.
Which was not agreed to.

Mr. Dayton offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out the words "bedding or propagating grounds," in line 13, of Section 9.

Mr. Dayton moved the adoption of the amendment.
Which was not agreed to.

Section 10, of the substitute for Senate Bill No. 178, was read.

Mr. Williams offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out the words, in line 8, Section 10, "seventy dollars shall be made by said Oyster Commissioner for each steam box not more than thirty-five feet in length and two dollars for each additional foot in length," and insert in lieu thereof the following, "shall be levied by said Oyster Commissioner for each steam box at the rate of two dollars per foot or fraction of a foot."

Mr. Williams moved the adoption of the amendment.
Which was agreed to, and the amendment was adopted.

Mr. Humphries offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out the words "31st," line 108, Section 10, and insert in lieu thereof the following, "30th."

Mr. Humphries moved the adoption of the amendment. Which was agreed to, and the amendment was adopted. The President Pro Tem. in the chair.

Section 11 of the Substitute for Senate Bill No. 178 was read.

Mr. Cottrell offered the following amendment to Committee Substitute Senate Bill No. 178:

Strike out all after the word "not" in line 3, down to and including the word "Florida" in line 4, Section 11, and insert in lieu thereof the following:

In line 3, after the word "not," Section 11, insert "Granted to others," also the words "does not" after the word "as" in line 5, said section.

Mr. Cottrell moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Dayton offered the following amendment to Committee Substitute for—

Senate Bill No. 178:

Strike out the words, "these leases can only be made to citizens of State of Florida, firms composed of citizens of the State of Florida, and Florida corporations domiciled in this State," in lines 10 to 13, Section 11.

Mr. Dayton moved the adoption of the amendment.

Which was not agreed to.

Pending the further consideration of the section—

Mr. Johnson moved that the rules be waived, and that the Senate take up Miscellaneous Business—

Which was agreed to by a two-thirds vote.

MISCELLANEOUS BUSINESS.

The following communication from the Governor was read:

State of Florida, Executive Chamber,
Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

In accordance with the provisions of Section 28, Article 3 of the State Constitution, I have the honor to return herewith, without my approval, the following bill which originated in your honorable body:

An act prohibiting fire insurance companies doing business in this State, in the absence of fraud, misrepresenta-

tion or deceit upon the part of the insured, from setting up as a defense against the payment of the policy, lack of title in the insured. This bill provides:

"Section 1. No fire insurance company doing business in this State, in the absence of fraud, misrepresentation and deceit, or either, upon the part of the party insuring, shall be allowed to set up as a defense to avoid the payment of a policy, that title to the property insured was not in the party insured, but shall be held to pay such policy to and as the interest of parties might be at the time of the issuing of the policy. Provided, this shall not apply where the title and ownership to the property has changed subsequent to the issuing of the policy, unless notice of such change of title and ownership shall be given to the company insuring, or its agent, before loss. Provided further, that this act does not prevent companies from cancelling their policies at any time before loss upon refunding unearned premium."

It will be observed that in the absence of fraud, etc., on the part of the party insuring that insurance companies "shall be held to pay such policy to and as the interest of parties might be at the time of the issuing of the policy." Many persons borrow money on improved property, having the policy endorsed as security. If this bill became an act, no one lending money having such policy as first security would in many cases have an opportunity of knowing who were the parties having interest "at the time of the issuing of the policy." If a deed had been made which was unrecorded, or if there were two chains of title to the property, it would in some cases be difficult to determine to whom the insurance would be paid in case of a loss.

As to personal property, there are many times silent partners in mercantile firms and in the ownership of personal property. It would be difficult for any one lending money on such policy to determine to whom the loss would be paid. As to the insurance of personal property, some think that this bill would operate as a premium on dishonest insurers. In this event, it would operate as a menace to property situated in close proximity to property insured by dishonest insurers.

In this day of regulating insurance corporations and other corporations, it seems that there has not arisen in any other State a necessity for any such law. In my opinion the disadvantage resulting from such a proposed

law would more than offset any advantages to be derived from the same.

Very respectfully,
ALBERT W. GILCHRIST,
Governor.

Mr. Harris moved that the message be referred to a division of the Judiciary Committee.

Which was withdrawn.

Mr. Johnson moved that the Senate do not proceed to the consideration of the message and the vetoed act.

Which was withdrawn.

Mr. Harris moved that the veto message be spread upon the Journal, and that the message and the act be made a special order for consideration at 10:30 o'clock a. m. tomorrow.

Which was agreed to, and so ordered.

INTRODUCTION OF RESOLUTIONS.

Mr. Buckman offered the following:

Senate Resolution No. 53:

Senate resolution on the death of Captain David Elwell Maxwell, who died at Jacksonville, Fla., September 16, 1908:

Whereas, The exalted character of her sons, and the distinction achieved by her truly great men, are a State's richest inheritance; and

Whereas, The death of Captain David Elwell Maxwell marks the passing of one who, as hero and patriot, cast his young life upon the altar of his Southland, serving where duty led to danger and death, illustrating his State upon more than a score of battlefields; who, as a citizen, in the ranks of rehabilitation in our war-swept State, was conspicuous for his activity and potent, through his acute intelligence, in establishing upon the wreck of transportation facilities a splendid system of railway from Columbia, S. C., to Tampa, Fla., and from Jacksonville westward to a trunk line connection with all Gulf ports to New Orleans, La., thereby rendering a priceless service to our needy State and upbuilding the splendid section known as South Florida; and

Whereas, The lofty courage, the sterling integrity, the absolute manliness and the courteous gentility of this

Southern gentleman of the old school, made him the idol of an army of employees and the ideal manager of vast business interests; and

Whereas, His long, active and pure life and loyalty to the interests of our State for a lifetime made him a public, although not a political, character throughout her borders; now, therefore, be it

Resolved, by the Senate of the State of Florida, That in the death of Captain Maxwell the State of Florida has lost a distinguished citizen, a devoted friend and a true type of that glorious manhood that gave our State the brilliant prestige of her early Statehood;

That we desire to record the exalted appreciation of a State to one of its most humble and yet most noble sons;

That in turning aside from the busy cares of State to pay this unusual tribute to private character, we justify our course to point the youth of our State to this inspiring example and commending it to their emulation;

Resolved further, That a copy of the resolutions be spread upon the Journal of the Senate and a copy sent by the Clerk, duly attested, to the family of the deceased.

Mr. Buckman moved to adopt the resolution.

Which was agreed to, and Senate Resolution No. 53 was adopted.

Mr. Massey offered the following resolution:

Senate Resolution No. 54:

Whereas, The present session is rapidly drawing to a close and there are upon the Calendar certain bills relating to matters of general importance which should be taken up and disposed of from time to time,

And Whereas, The Senate ought to be as diligent as the House of Representatives in the dispatch of legislative business and to hold as many sessions proportionately to the respective calendars of the two bodies; therefore,

Be it resolved by the Senate, That the Senate shall hold a session to-night at 8 o'clock for the consideration in the order named of the following bills, to-wit., which shall be made special orders for that session:

Senate Bill No. 187. (9):

A bill to be entitled an act to prevent coercion in certain cases, etc., etc.

Senate Bill No. 184. (9):

A bill to be entitled an act to require sheriffs of the

State of Florida to file a list of the names of their deputies with the Boards of County Commissioners.

Senate Bill No. 118. (16) :

A bill to be entitled an act relating to the approval of official bonds.

Senate Bill No. 349 :

A bill to be entitled an act making an appropriation to meet deficiencies in appropriation to cover pay of jurors, witnesses, etc.

Senate Bill No. 152 :

A bill to be entitled an act to amend Section 8 of Chapter 5388 of the Laws of Florida, entitled "An act defining and the manner and cause of commitments of minors to the Florida State Reform School at Marianna; defining who shall be committed and for what time and upon what conditions; regulating the discipline; providing for the property management of said reform school and appropriating money for the benefit of said institution.

Senate Bill No. 312. (25) :

A bill to be entitled an act to authorize the State of Florida to sue out writs of error or other appropriate writs in criminal cases from the Supreme Court or the Circuit Courts to review the rulings of inferior courts upon questions of law.

Senate Bill No. 307. (28) :

A bill to be entitled an act disqualifying certain persons from sitting as jurors in the trial of certain causes and prescribing a rule of evidence therein.

Senate Bill No. 481. (35) :

A bill to be entitled an act prescribing punishment for the commission of misdemeanors in this State, when not otherwise provided by statute.

Senate Bill No. 218. (34) :

A bill to be entitled an act to amend Section 2919 of the General Statutes of the State of Florida as to the allowance of free or reduced rates of transportation by common carriers.

Senate Bill No. 211 (36) :

A bill to be entitled an act to define and regulate the treatment and control of dependent and delinquent children; to provide for the disposition, care, education, protection, support, maintenance and punishment of depend-

ent or delinquent children; and for their guardianship and adoption; to prescribe the powers and duties of the county judges with respect thereto.

Senate Bill No. 403. (36) :

A bill to be entitled an act to encourage the establishment and maintenance of unenclosed game preserves for certain birds and other game; to encourage the introduction, raising and propagation of the same; the protection of such game preserves and game, and the time in which they may be hunted and killed, and providing penalties for violations of this act.

Senate Bill No. 7. (44) :

A bill to be entitled an act requiring certain State officers and certain departments of the State government to make detailed reports, and providing a penalty for failure to comply with said requirements.

Senate Bill No. 404. (46) :

A bill to be entitled an act to regulate the killing of wild ducks in the county of Brevard, State of Florida.

Senate Joint Resolution No. 171. (46) :

A Joint Resolution proposing amendment to Section 19, Article 5 of the Constitution of the State of Florida.

Senate Bill No. 243. (47) :

A bill to be entitled an act for the relief of Inez Abernethy, instructor in art in the Florida Female College, at Tallahassee, Fla.

Senate Bill No. 225. (49) :

A bill to be entitled an act to protect and promote the fruit growing and horticultural interests of the State of Florida; to exterminate crop pests and to provide for the appointment of county inspectors.

Senate Bill No. 283. (50) :

A bill to be entitled an act to provide for stay of execution of sentence to fine in Justice of the Peace Courts and County Judges' Courts.

Senate Bill No. 228. (50) :

A bill to be entitled an act to amend Section 3648 of the General Statutes of the State of Florida, relating to duties of section bosses relative to live stock killed.

Senate Bill No. 268. (51) :

A bill to be entitled an act to regulate the instruction of juries in jury trials.

Senate Bill No. 221. (51) :

A bill to be entitled an act to enable any married woman, who has or may become a free dealer, to convey or mortgage her separate property without the joinder of her husband; and to validate all such conveyances and mortgages heretofore made.

Senate Bill No. 185. (53) :

A bill to be entitled an act requiring railroad companies and other common carriers to furnish separate accommodations for the separation of white and colored passengers on railroads, and conferring certain powers on the Railroad Commissioners, etc.

Mr. Massey moved to adopt the resolution.

Mr. Beard moved to amend the motion to adopt by adding to the list House Bill No. 225.

The amendment was agreed to, and adopted.

The question recurred upon the motion to adopt the resolution as amended.

Upon which the yeas and nays were demanded.

Yeas—Mr. President, Senators Baker (20th Dist.), Beard, Cone, Cottrell, Davis, Flournoy, Girardeau, Leggett, Massey, McLeod, McMullen, Miller, Sloan, West, Williams, Withers, Zim—18.

Nays—Senators Adkins, Buckman, Crill, Cook, Dayton, Harris, Henderson, Hosford, Humphries, Johnson, Sams, —11.

So the resolution was not adopted.

REPORTS OF COMMITTEES.

Mr. Leggett, Chairman of the Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 27:

An act to regulate the practice of optometry, to provide for a Board of Examiners, and for the examination of practitioners of optometry, for the registration of licensed practitioners, and prescribing penalty for its violation.

Also—

Senate Bill No. 72:

An act for the relief of James R. Landrum, former Justice of the Peace, Second District, of Escambia County, State of Florida, for loss of fees during his suspension from said office.

Have examined the same and find them correctly enrolled.

Very respectfully,

C. L. LEGGETT,
Chairman of Committee.

And the acts contained therein were referred to the Joint Committee on Enrolled Bills.

Mr. Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 27:

An act to regulate the practice of optometry, to provide for a Board of Examiners, and for the examination of practitioners of optometry, for the registration of licensed practitioners, and prescribing penalty for its violation.

Also—

Senate Bill No. 72:

An act for the relief of James R. Landrum, former Justice of the Peace, Second District, of Escambia County, State of Florida, for loss of fees during his suspension from said office.

Have examined the same and find them correctly enrolled.

Very respectfully,

C. L. LEGGETT,
Chairman of Joint Committee.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills, to convey,

to the House of Representatives for the signatures of the Speaker of the House of Representatives and the Chief Clerk thereof.

Mr. Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Senate Bill No. 27:

An act to regulate the practice of optometry, to provide for a Board of Examiners, and for the examination of practitioners of optometry, for the registration of licensed practitioners, and prescribing penalty for its violation.

Also—

Senate Bill No. 72:

An act for the relief of James R. Landrum, former Justice of the Peace, Second District, of Escambia County, State of Florida, for loss of fees during his suspension from said office.

Beg to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

C. L. LEGGETT,
Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—
Senate Bill No. 27:

An act to regulate the practice of optometry, to provide for a Board of Examiners, and for the examination of practitioners of optometry, for the registration of licensed practitioners, and prescribing penalty for its violation.

Also—

Senate Bill No. 72:

An act for the relief of James R. Landrum, former Justice of the Peace, Second District, of Escambia County,

State of Florida, for loss of fees during his suspension from said office

The acts were, thereupon, duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval

Mr. Leggett, Chairman of the Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 27:

An act to regulate the practice of optometry, to provide for a Board of Examiners, and for the examination of practitioners of optometry, for the registration of licensed practitioners, and prescribing penalty for its violation.

Also—

Senate Bill No. 72:

An act for the relief of James R. Landrum, former Justice of the Peace, Second District, of Escambia County, State of Florida, for loss of fees during his suspension from said office.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

Mr. Buckman, Chairman of the Committee on Governor's Messages, submitted the following report:

Senate Chamber.
Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Committee on Governor's Messages, to whom was referred—

Special Message, dated May 20, 1909, relating to his

signing of the act relating to the establishment of the town of Newberry, Florida, etc.

Have had the same under consideration and report that inasmuch as the bill has been approved, and the special matter called to the attention of the Senator and Representatives of Alachua County for their consideration, that no further action on the part of this Committee seems necessary, and respectfully return the same.

Very respectfully,

H. H. BUCKMAN,
Chairman of Committee.

Mr. Cone moved that the Senate do now adjourn until 3 o'clock this afternoon.

Mr. Harris moved that the Senate do now adjourn until 3:30 o'clock this afternoon.

Mr. Sams moved to adjourn to 4 o'clock this afternoon.

The motion to adjourn to 4 o'clock this afternoon was not agreed to.

The question recurred upon the motion of Mr. Harris to adjourn to 3:30 o'clock.

Which was agreed to.

Whereupon the Senate took a recess until 3:30 this afternoon.

AFTERNOON SESSION, 3:30 P. M.

The Senate resumed its session pursuant to recess order.

The President in the Chair.

The roll was called, and the following Senators answered to their names:

Present—Mr. President, Senators Adkins, Baker (20th Dist.), Beard, Broome, Buckman, Crill, Cook, Cone, Cottrell, Davis, Dayton, Flournoy, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McLeod, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim—31.

A quorum was present.

The Senate resumed consideration of the pending amendments to—

Committee Substitute for Senate Bill No. 178:

A bill to be entitled an act to encourage, protect, reg-

ulate and develop the oyster industry of the State of Florida, and to increase the revenues of the State therefrom by recognizing and declaring the ownership of the State in and to the bottoms or beds of the bodies or streams of water along the coast of the Gulf of Mexico and along the coast of the Atlantic Ocean, and the waters of the Gulf of Mexico and the Atlantic Ocean within the jurisdiction of the State of Florida not heretofore granted or conveyed, for the purpose of giving exclusive rights to plant oysters; by prohibiting other alienation of same in fee; by recognizing and declaring the ownership of the State in and to all reefs of oysters growing naturally thereon; by granting in fee simple the rights of the riparian proprietors to the oyster reefs above low water mark, for the protection of those heretofore engaged in the growing of oysters; by creating the office of Oyster Commissioner of the State of Florida, and defining his powers and duties; by providing for the leasing of oyster lands belonging to the State; by providing for the licensing, registration and designation of vessels employed in the oyster industry; by levying a special assessment or privilege tax on oysters produced in said waters, and a police license on persons, firms, corporations and vessels engaged in the oyster industry; by providing for the manner of collecting, handling, depositing and disbursing the revenues derived from said industry, and the distribution of the surplus revenues; by providing for the protection of the natural oyster beds of this State, and for the creation of artificial reefs or beds; by providing such other regulations and provisions as are necessary to properly carry out the objects and purposes of this act; by providing penalties for the violation of this act; and by providing for the repeal of all laws on the same subject matter and in conflict with the provisions of this act.

Mr. Cottrell offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out all after the word "leased," in line 9, down to the word "leases," in line 10, Section 11, and add a period after the word "leased" in line 9.

Mr. Cottrell moved the adoption of the amendment.

Which was not agreed to.

Mr. Humphries offered the following amendment to Committee substitute for Senate Bill No. 178.

Strike out all of Section 11 after the word "State," in line 13.

Mr. Humphries moved the adoption of the amendment. Which was not agreed to.

Mr. Cottrell offered the following amendment to Committee substitute for Senate Bill No. 178:

Insert the following at end of Section 11: "Provided, further, That no person, firm or corporation shall be allowed to lease such bottoms along either side nearer than one hundred yards of any reef or bar where natural oyster bars or beds have or are existing."

Mr. Cottrell moved the adoption of the amendment.

Upon which the yeas and nays were demanded.

The roll was called and the vote was:

Yeas—Senators Cottrell, Dayton, Girardeau, Hosford, Johnson—5.

Nays—Mr. President, Senators Adkins, Baker (20th Dist.), Beard, Buckman, Crill, Flournoy, Harris, Humphries, Leggett, McLeod, Miller, Sloan, West, Williams, Withers, Zim—17.

So the amendment was not agreed to.

Section 12 of the Substitute for Senate Bill No. 178 was read.

Mr. Dayton offered the following amendment to Committee Substitute for Senate Bill No. 178:

Add at the end of line 35, Section 12 "riparian rights of all owners of all water fronts shall extend down to low water or tide marks."

Mr. Dayton moved the adoption of the amendment.

Which was not agreed to.

Mr. Cottrell offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the word "reasonably" in line 6. Section 12.

Mr. Cottrell moved the adoption of the amendment.

Which was not agreed to.

Mr. Cottrell offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out all after the word "compact" in line 30, down to and including line 35, Section 12; also the word "as," in line 30, before the word "compact."

Mr. Cottrell moved the adoption of the amendment.

Which was not agreed to.

Section 13 of the Substitute for Senate Bill No. 178 was read.

Section 14 of the Substitute for Senate Bill No. 178 was read.

Mr. Dayton offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the words "one thousand acres," in line 13 Section 14, and insert in lieu thereof the following: "One hundred acres."

Mr. Dayton moved the adoption of the amendment.
Which was not agreed to.

Section 15 of the Committee Substitute for Senate Bill No. 178 was read.

Mr. Cottrell offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out all after the word "hold," in line 8, down to the word "time," in line 9, Section 15, and insert in lieu thereof the following, "for all."

Mr. Cottrell moved the adoption of the amendment.
Which was not agreed to.

Section 16 of the Committee Substitute for Senate Bill No. 178 was read.

Section 17 of the Committee Substitute for Senate Bill No. 178 was read.

Mr. Sams offered the following amendment to Committee Substitute for Senate Bill No. 178.

Strike out the words in Section 17, all of lines 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21, or this part of the bill regarding lease, and insert in lieu thereof the following, "after ten years."

Mr. Sams moved the adoption of the amendment.
Which was not agreed to.

Section 18 of the Committee substitute for Senate Bill No. 178 was read.

Mr. Dayton offered the following amendment to Committee substitute for Senate Bill No. 178:

Add to end of line 86, Section 18, "riparian rights shall extend to low water mark or tide mark."

Mr. Dayton moved the adoption of the amendment.
Which was agreed to, and the amendment was adopted.

Mr. Cottrell offered the following amendment to Committee substitute for Senate Bill No. 178:

Insert after the word "reefs," line 70, Section 18, "of merchantable oysters."

Mr. Cottrell moved the adoption of the amendment.
Which was agreed to, and the amendment was adopted.

Mr. Buckman offered the following amendment to Committee Substitute for Senate Bill No. 178:

Add after word "shall," line 25, Section 18, printed bill, "if by the grantee under any lease or holder under any former grant upheld by this act."

Mr. Buckman moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Dayton offered the following amendment to Committee Substitute for Senate Bill No. 178:

Add the words, in Section 18, on line 47, after "lands," "in his own county."

Mr. Dayton moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

The further consideration of this section was informally passed for the preparation of further amendments.

Section 19 of the substitute for Senate Bill No. 178 was read.

The consideration of this section was informally passed.

Section 20 of the substitute for Senate Bill No. 178 was read.

Section 21 of the Committee Substitute for Senate Bill No. 178 was read.

Section 22 of the Committee Substitute for Senate Bill No. 178 was read, and informally passed for future amendment.

Section 23 of the Committee Substitute for Senate Bill No. 178 was read.

Mr. Dayton offered the following amendment to Committee Substitute for Senate Bill No. 178:

Add on line 20 in Section 23 of printed bill, following the word "commissioner," "deputies or lessees."

Mr. Dayton moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Dayton offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the words in Section 23 on line 20, from and after the word "commissioner," "or shall gather oysters between sunset and sunrise from the natural reefs or from private bedding grounds shall be guilty of a violation of this act," and insert in lieu thereof the following: "Can gather from any bars or beds any hour of day or night."

Mr. Dayton moved the adoption of the amendment.

Which was not agreed to.

Section 24 of the Committee Substitute for Senate Bill No. 178 was read.

Section 25 of the Committee Substitute for Senate Bill No. 178 was read.

Section 26 of the Committee Substitute for Senate Bill No. 178 was read.

Mr. Dayton was excused until Monday morning from further attendance on the body.

Mr. Withers called attention to his vote having been recorded nay on Senate Resolution No. 54, when he should have been recorded as voting yea. The correction was ordered to be made.

Mr. Hosford moved to adjourn until 10 o'clock tomorrow morning.

Which was withdrawn.

Mr. Leggett moved that the speech of Senator Williams upon the pending bill be spread upon the Journal.

Which was agreed to and was so ordered. (See speech, last pages of Journal.)

Mr. Beard moved that the Senate proceed with the consideration of the Committee Substitute for Senate Bill No. 178.

Which was agreed to.

The consideration of the Committee Substitute for Senate Bill No. 178 was resumed.

Mr. Harris offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the words "one hundred dollars" in line 42, Section 26, and insert in lieu thereof the following: "Five hundred dollars."

Mr. Harris moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

By consent, Mr. Dayton offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the words "the Oyster Commissioner may, if he deems it best for interest of the State and oyster industry so to do, permit the including of such natural reefs, beds or bars upon fixing a value on the same to be paid by the applicant to the Oyster Commissioner for such bedding grounds," lines 81 to 86, Section 18.

Mr. Dayton moved the adoption of the amendment.

Which was not agreed to.

Section 27 of the Committee Substitute for Senate Bill No. 178 was read.

Mr. Cottrell offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the word "willfully," in line 35; also all after the word "conviction" down to and including the word "herein," in line 36; also all line 41, Section 27.

Mr. Cottrell moved the adoption of the amendment.

Which was not agreed to.

Mr. Buckman offered the following amendment to Committee Substitute for Senate Bill No. 178, printed bill:

Strike out the words "of that county," line 10, Section 27, printed bill, and insert in lieu thereof the following: "Having proper jurisdiction of the same."

Mr. Buckman moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Sams offered the following amendment to Committee Substitute for Senate Bill No. 178:

Add the following at the end of Section 27, the same to be a new section: "Section 28. All the existing natural or maternal oyster beds in the waters of this State are exempt from the provisions of this bill and they remain for the free use of the citizens of this State."

Mr. Sams moved to adopt the amendment.

Which was not agreed to.

Mr. Beard offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the words "in the Circuit Court of this State," in line 41, Section 27 of printed bill, and insert in lieu thereof the following: "In a court of competent jurisdiction in this State."

Mr. Beard moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Dayton offered the following amendment to Committee Substitute for Senate Bill No. 178:

Add Section 28 as follows: "Provided, this act shall in no wise interfere with any pending litigation."

Mr. Dayton moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Harris offered the following amendment to Committee Substitute for Senate Bill No. 178:

Strike out the words "not less than fifty nor" in line 37, Section 27; also, "less than thirty days nor" in line 39, Section 27.

Mr. Harris moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Mr. Sams offered the following amendment to Committee Substitute for Senate Bill No. 178:

Add after word "State," line 41, Section 27, the following: "All natural oyster beds in excess of one hundred square yards shall forever remain the property of the State."

Mr. Sams moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Buckman offered the following amendment to Committee substitute for Senate Bill No. 178, printed bill:

Add after word "vessel," line 14, Section 22, the following, "over ten tons."

Mr. Buckman moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Buckman offered the following amendments to Committee substitute for Senate Bill No. 178, printed bill:

After the word "property," line 15, Section 13, printed bill, add "subject, however, to forfeiture as provided in this act."

Mr. Buckman moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Harris offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out the words "nor less than twenty-five dollars or," in lines 17 and 18, Section 19, and strike out the words "nor less than ten days," in line 19, Section 19.

Mr. Harris moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Henderson offered the following amendment to Committee substitute for Senate Bill No. 178:

Strike out the words "twenty-five hundred dollars," in line 66, Section 7, on page 15 of printed bill, and insert in lieu thereof the following, "ten thousand dollars."

Mr. Henderson moved the adoption of the amendment.

Which was agreed to, and the amendment was adopted.

Mr. Johnson offered the following amendment to Committee Substitute for Senate Bill No. 178, printed bill:

After the words "grants," in line 1, of Section 2, add the following, "not in excess of one thousand acres."

Which was withdrawn.

Mr. Johnson moved that the Senate do now adjourn.

Upon which the yeas and nays were demanded.

The roll was called, and the vote was:

Yeas—Senators Crill, Cook, Davis, Dayton, Girardeau,

Harris, Henderson, Hosford, Humphries, Johnson, Sams, West—12.

Nays—Mr. President, Senators Baker (20 District), Beard, Buckman, Cone, Flournoy, Leggett, Massey, McLeod, McMullen, Miller, Sloan, Williams, Withers—14.

So the Senate refused to adjourn.

Mr. Buckman moved to reconsider the vote by which the amendment by the Senator from the Ninth District to Section 11, striking out all of line 10 after the word "hereinafter" and all of lines 11 and 12, and all of line 13 except the word "no," of printed substitute for Senate Bill No. 178 was lost.

Mr. Cottrell asked and obtained permission to withdraw the following amendment offered by him, to-wit:

Strike out Section 2 and insert in lieu thereof the following: "That all grants prior to the passage of this act, made in pursuance of Chapter 3393, Acts of 1881, are exempt from the operation of this act; provided, that such grant does not exceed the number of acres allowed under this act; and provided further, that such grants do not contain any natural or maternal oyster reefs."

REPORTS OF COMMITTEES.

Mr. McCreary, Acting Chairman of the Committee on County Organization, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Committee on County Organization, to whom was referred—

Senate Bill No. 463:

A bill to be entitled an act to provide a road and bridge fund for Jefferson County, Florida; to provide for the assessment and collection of same, and to prescribe the manner and method of building, creating and maintaining public roads and bridges in said county.

Have had the same under consideration and recommend that it do pass.

Very respectfully,

H. H. McCREARY,
Acting Chairman of Committee.

And Senate Bill No. 463, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. McCreary, Acting Chairman of the Committee on County Organization, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Committee on County Organization, to whom was referred—

Senate Bill No. 462:

A bill to be entitled an act to amend Section 38, of the General Statutes of Florida, relating to the boundary lines of Volusia County.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,

H. H. McCREARY,
Acting Chairman of Committee.

And Senate Bill No. 462, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Mr. Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills to whom was referred—

House Bill No. 412:

An act to permit the registered voters of Election Dis-

trict No. 8 of Marion County, Florida, to decide whether hogs shall be allowed to run at large in said district.

Also—

House Bill No. 441:

An act to authorize the Board of County Commissioners of St. Lucie County, Florida, to levy a tax of not to exceed five mills on the dollar, in addition to other taxes now authorized by General Law, for grading and hard-surfacing the public roads of said county.

Also—

House Bill No. 484:

An act to amend Chapter 5778, Laws of Florida, relative to fishing in Ocean Pond, in Baker County, Florida.

Also—

House Bill No. 485:

An act to protect food fishes in the rivers, creeks and bayous in Citrus County, State of Florida.

Also—

House Bill No. 541:

An act to provide for the erection of sign posts with sign boards thereon at all important forks and crossings of public roads in Marion County, Florida, and mile posts along said roads by the County Commissioners of said county, and to prescribe penalties for failure so to do by the Commissioners of said county, and also providing penalties for removing, defacing, altering or otherwise injuring the same.

Also—

House Bill No. 596:

An act to amend Sections 17 and 18 of the General Statutes of the State of Florida, relative to the boundary lines of Gadsden and Liberty Counties.

Also—

House Bill No. 615:

An act for the protection and preservation of game birds and certain other birds and animals in Levy County, and to provide that all non-citizens of this State taking, hunting or killing game in said county shall obtain a permit therefor, and to prohibit the sale in said county or the shipment or carrying therefrom of any deer, deer hides, otter pelts, or game.

Also—

House Bill No. 642:

An act to legalize and confirm the incorporation of the Town of Greensboro, in Gadsden County, Florida, and to declare the same a legally incorporated town.

Also—

House Bill No. 643:

An act to legalize the assessments and levies of taxes for the years 1907 and 1908, by the City of Quincy, Florida.

Also—

House Bill No. 664:

An act authorizing the Town of Palmetto, Florida, Manatee County, to enact an ordinance providing for a poll tax for street purposes on all male citizens between the ages of twenty-one and fifty-five years of age, residing in said town at the time said tax is due, at the rate of \$2 per year, payable semi-annually on the first day of May and November of each year.

Also—

House Bill No. 665:

An act to repeal Chapter 5826, Laws of Florida, Acts of 1907, the same being an act to authorize the Town of Orange Park to impound hogs of residents who live without the town.

Have examined the same and find them correctly enrolled.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

And the acts contained in the above report were referred to the Joint Committee on Enrolled Bills, to convey to the House of Representatives for the signature of the Speaker of the House of Representatives and the Chief Clerk thereof.

Mr. Leggett, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills to whom was referred—

House Bill No. 412:

An act to permit the registered voters of Election District No. 8 of Marion County, Florida, to decide whether hogs shall be allowed to run at large in said district.

Also—

House Bill No. 441:

An act to authorize the Board of County Commissioners of St. Lucie County, Florida, to levy a tax of not to exceed five mills on the dollar, in addition to other taxes now authorized by General Law, for grading and hard-surfacing the public roads of said county.

Also—

House Bill No. 484:

An act to amend Chapter 5778, Laws of Florida, relative to fishing in Ocean Pond, in Baker County, Florida.

Also—

House Bill No. 485:

An act to protect food fishes in the rivers, creeks and bayous in Citrus County, State of Florida.

Also—

House Bill No. 541:

An act to provide for the erection of sign posts with sign boards thereon at all important forks and crossings of public roads in Marion County, Florida, and mile posts along said roads by the County Commissioners of said county, and to prescribe penalties for failure so to do by the Commissioners of said county, and also providing penalties for removing, defacing, altering or otherwise injuring the same.

Also—

House Bill No. 596:

An act to amend Sections 17 and 18 of the General Statutes of the State of Florida, relative to the boundary lines of Gadsden and Liberty Counties.

Also—

House Bill No. 615:

An act for the protection and preservation of game birds and certain other birds and animals in Levy County, and to provide that all non-citizens of this State taking, hunting or killing game in said county shall obtain a permit therefor, and to prohibit the sale in said county or the shipment or carrying therefrom of any deer, deer hides, otter pelts, or game.

Also—

House Bill No. 642:

An act to legalize and confirm the incorporation of the Town of Greensboro, in Gadsden County, Florida, and to declare the same a legally incorporated town.

Also—

House Bill No. 643:

An act to legalize the assessments and levies of taxes for the years 1907 and 1908, by the City of Quincy, Florida.

Also—

House Bill No. 664:

An act authorizing the Town of Palmetto, Florida, Manatee County, to enact an ordinance providing for a poll tax for street purposes on all male citizens between the ages of twenty-one and fifty-five years of age, residing in said town at the time said tax is due, at the rate of \$2 per year, payable semi-annually on the first day of May and November of each year.

Also—

House Bill No. 665:

An act to repeal Chapter 5826, Laws of Florida, Acts of 1907, the same being an act to authorize the Town of Orange Park to impound hogs of residents who live without the town.

Beg to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

ENROLLED.

The President announced that he was about to sign—
House Bill No. 412:

An act to permit the registered voters of Election District No. 8 of Marion County, Florida, to decide whether hogs shall be allowed to run at large in said district.

Also—

House Bill No. 441:

An act to authorize the Board of County Commission-

ers of St. Lucie County, Florida, to levy a tax of not to exceed five mills on the dollar, in addition to other taxes now authorized by General Law, for grading and hard-surfacing the public roads of said county.

Also—

House Bill No. 484:

An act to amend Chapter 5778, Laws of Florida, relative to fishing in Ocean Pond, in Baker County, Florida.

Also—

House Bill No. 485:

An act to protect food fishes in the rivers, creeks and bayous in Citrus County, State of Florida.

Also—

House Bill No. 541:

An act to provide for the erection of sign posts with sign boards thereon at all important forks and crossings of public roads in Marion County, Florida, and mile posts along said roads by the County Commissioners of said county, and to prescribe penalties for failure so to do by the Commissioners of said county, and also providing penalties for removing, defacing, altering or otherwise injuring the same.

Also—

House Bill No. 596:

An act to amend Sections 17 and 18 of the General Statutes of the State of Florida, relative to the boundary lines of Gadsden and Liberty Counties.

Also—

House Bill No. 615:

An act for the protection and preservation of game birds and certain other birds and animals in Levy County, and to provide that all non-citizens of this State taking, hunting or killing game in said county shall obtain a permit therefor, and to prohibit the sale in said county or the shipment or carrying therefrom of any deer, deer hides, otter pelts, or game.

Also—

House Bill No. 642:

An act to legalize and confirm the incorporation of the Town of Greensboro, in Gadsden County, Florida, and to declare the same a legally incorporated town.

Also—

House Bill No. 643:

An act to legalize the assessments and levies of taxes for the years 1907 and 1908, by the City of Quincy, Florida.

Also—

House Bill No. 664:

An act authorizing the Town of Palmetto, Florida, Manatee County, to enact an ordinance providing for a poll tax for street purposes on all male citizens between the ages of twenty-one and fifty-five years of age, residing in said town at the time said tax is due, at the rate of \$2 per year, payable semi-annually on the first day of May and November of each year.

Also—

House Bill No. 665:

An act to repeal Chapter 5826, Laws of Florida, Acts of 1907, the same being an act to authorize the Town of Orange Park to impound hogs of residents who live without the town.

The acts were thereupon duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Mr. Leggett, Chairman of the Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 21, 1909.

Hon. F. M. Hudson,

President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills to whom was referred—

House Bill No. 412:

An act to permit the registered voters of Election District No. 8 of Marion County, Florida, to decide whether hogs shall be allowed to run at large in said district.

Also—

House Bill No. 441:

An act to authorize the Board of County Commissioners of St. Lucie County, Florida, to levy a tax of not to

exceed five mills on the dollar, in addition to other taxes now authorized by General Law, for grading and hard-surfacing the public roads of said county.

Also—

House Bill No. 484:

An act to amend Chapter 5778, Laws of Florida, relative to fishing in Ocean Pond, in Baker County, Florida.

Also—

House Bill No. 485:

An act to protect food fishes in the rivers, creeks and bayous in Citrus County, State of Florida.

Also—

House Bill No. 541:

An act to provide for the erection of sign posts with sign boards thereon at all important forks and crossings of public roads in Marion County, Florida, and mile posts along said roads by the County Commissioners of said county, and to prescribe penalties for failure so to do by the Commissioners of said county, and also providing penalties for removing, defacing, altering or otherwise injuring the same.

Also—

House Bill No. 526:

An act to amend Sections 17 and 18 of the General Statutes of the State of Florida, relative to the boundary lines of Gadsden and Liberty Counties.

Also—

House Bill No. 615:

An act for the protection and preservation of game birds and certain other birds and animals in Levy County, and to provide that all non-citizens of this State taking, hunting or killing game in said county shall obtain a permit therefor, and to prohibit the sale in said county or the shipment or carrying therefrom of any deer, deer hides, otter pelts, or game.

Also—

House Bill No. 642:

An act to legalize and confirm the incorporation of the Town of Greensboro, in Gadsden County, Florida, and to declare the same a legally incorporated town.

Also—

House Bill No. 643:

An act to legalize the assessments and levies of taxes

for the years 1907 and 1908, by the City of Quincy, Florida.

Also—

House Bill No. 664:

An act authorizing the Town of Palmetto, Florida, Manatee County, to enact an ordinance providing for a poll tax for street purposes on all male citizens between the ages of twenty-one and fifty-five years of age, residing in said town at the time said tax is due, at the rate of \$2 per year, payable semi-annually on the first day of May and November of each year.

Also—

House Bill No. 665:

An act to repeal Chapter 5826, Laws of Florida, Acts of 1907, the same being an act to authorize the Town of Orange Park to impound hogs of residents who live without the town.

Beg to report that the same has been presented to the Governor for his approval.

Very respectfully,

C. L. LEGGETT,

Chairman of Joint Committee.

SPEECH OF SENATOR WILLIAMS, OF THE 23d
DISTRICT ON COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 178.

Mr. President, and Gentlemen of the Senate:

We all know what an oyster is, and the delicious flavor it has, but many of us know but little about its growth further than it grows in the sea, and nothing about its propagation, growth, culture and marketing thereof. Deeming this a most important question, excepting apportionments, that this session of the Legislature will be called upon to deal with, I shall go at some length into this matter at the risk of wearying you.

The average adult female oyster lays annually from three to sixty million eggs. Some oysters in our waters are spawning every month in the year; some oysters spawning twice, or oftener to a year—owing to the supply of food and other conditions. The main time of spawning, however, in our waters are during the months of March and April. Both sperm from the adult male, and the egg of the adult female oyster are extruded in great

quantities into the water, and there the eggs are fertilized. You have doubtless noticed that some oysters when taken contained a white liquid, and are generally called milky. This white appearance is caused by many thousands of eggs. Each being so small as to be invisible to the eye, but collectively change the color of the liquid. As fertilization of the egg is somewhat an accident, undoubtedly a great majority of the eggs never become fertilized, but the more numerous the oysters in a given locality the better chance of fertilization. The fertilized egg passes rapidly to various changes in the course of a few hours, and emerges as microscopic embryo with thin transparent covering. At this period these forms are free swimming, and are found in great numbers in the water, like moats in the sunbeam. At this age they are extremely delicate, and almost all are destroyed by natural agents. They are also subject to depredations of all sorts of marine creation, and eaten as food for more developed oysters, and comparatively few survives. These survivors must within a few days find a place to attach themselves, and the shell will begin to form weighting it to the bottom where it will surely die, as it is so delicate at this stage, that if forced to descend to the bottom on mud or sand, or any other kind of soil, it will instantly die of suffocation. During its swimming stage, if the water is quite salty it cannot sink down, and consequently it makes its attachment if a suitable object can be found, between the high and the low water mark. And unless there be, after such attachment, a sediment deposit within the next few days sufficient to cover the young oyster it will grow and develop. In sections of this State, as well as in some sections of other States, the saltiness of the water causes most of the oyster bars to be between high and low water mark. Such oysters are always stunted and small, owing to their exposure to the summer's heat and sun, and the cold of the winters, and from their inability to procure food, living about half of their existence out of the water. These oysters are usually called coon oysters, but they are of the same species as the channel oyster, and their main value is as seed to be planted, and the largest of them can be used successfully for canning purposes. An oyster is grown at seven years of age. It is seldom an oyster under three inches spawns, as it is not an adult until it reaches that size.

As all still waters form a sediment or slime we find no natural oyster bars only where the currents run swiftly. The moving currents carrying a certain amount of sand or gravel, scour the objects over which they flow and keep them clean from this sediment of slime, and here the young oysters are attached, and in the course of time, perhaps centuries of time, from bars or beds. These swift moving waters and currents do not constitute probably one-thousandth part of the acreage of our water bottom, but they do constitute all the places where natural beds are or can be formed. Oysters will grow faster and larger in coves, or in comparatively still waters if transplanted there, and the bottoms are suitable. The natural beds are from a few feet in size to many acres. In some places the whole bottom of the bay. Oysters do not grow in the briny waters of the sea, nor in the fresh waters of our rivers and lakes, but wherever the fresh and salt water mingles the water is called brackish, and there the oyster will grow.

When we consider the number of rivers and streams passing into our Gulf and the Atlantic Seaboard, making our numerous bays of brackish water, the extent of our water bottoms can be conceived. The United States investigation shows that from Apalachicola southward to Sarasota Bay we have the greatest natural oyster waters in the world. That is to say, they are capable of greater development. Oysters grow in clusters, and singly. That is, several may attach themselves one to another, and as they grow they fall apart. In waters where lime is abundant, this separation takes place much earlier and more rapidly than in waters freer from lime. After they have fallen apart they are called single oysters. In this country the color of the open oyster determines its value as a marketable product. Sometimes the oysters are green, caused from the food they have eaten, and in this country have no commercial value. But in France and other European countries they are more highly prized on account of this color, and consequently are more valuable for market. As a matter of fact there is no difference between the actual value as a food product between them and the white oysters. Oysters may be fattened over night, so the dealers and oystermen say, but as a matter of fact they are bloated and puffed, or bleached, and really have lost a part of their nutritive qualities. This

fattening process can be applied to both the open and shell oysters. The American trade demands this bleached oyster, consequently in many places the oystermen, after gathering the oysters, take them to the mouths of fresh water streams, and I regret to say, after to the mouths of sewers, and keep them in the fresher water for twenty-four hours, and thus they are bleached. An oyster has no way of ejecting any food, and will take a poisonous germ as quickly as one that is healthy to it, and it is said that they can carry typhoid germs, and other disease germs, consequently they should not be bleached by any sewerage, or near any sewerage system, but this evil does not exist to my knowledge within the State of Florida. Oftentimes oysters after they are opened are placed in vats of fresh water to bleach them, but this is really injurious to the trade, as it destroys their delicious flavor.

Oysters are gathered in four ways. Two only of which are used by the oystermen of this State. During the winter the winds prevail from the North, exposing our bars, and at low tide and especially at nip tide. Many of our oyster bars are out of the water or nearly so, and this is the time when the oysterman reaps to best advantage. With a box in one hand and a hatchet in another he walks about over the bars, and wades in shoal water, and wherever he finds an oyster that he thinks is large enough for market, and if it is a single oyster he places it in his basket, and if in a cluster he knocks off the smaller ones, or should do so, and takes the larger ones, and when he has his box full he takes them and carries them to his boat. This is the fastest process. Another way, and the one used under all other conditions by our oystermen is by the use of tongs, which resemble gigantic nail grabs, only the fingers are like rakes, having handles from twelve to eighteen feet long, and with these they rake up the bottom, having first located over an oyster bar, and gather therefrom all objects on the bottom and lay them on a board across the boat called a culling board, and there the good oysters are selected, and the shell and debris pushed over the side of the boat on to the bottom, and usually settle in a pile, covering up and destroying the oysters underneath. The other two ways are by machinery, and require capital, and are forbidden by our laws, and should not be allowed except upon private beds.

More than ninety per cent. of these oysters gathered are sold by the oystermen to dealers at a price ranging from fifty to seventy cents per barrel. The dealer in turn sells these oysters at an average price of a dollar and a half per barrel. The barrel costing him about thirty-five cents, thereby making an average profit of sixty-five or seventy cents on a cash transaction. Others of the oysters are opened by men called shuckers. After opening, some are immediately placed in cans or tubs, and usually ice is placed within the same vessel to keep them cool until they reach their destination. This is not the proper way that they should be handled, as the ice destroys the flavor. They should either be placed in vessels unsealed with ice around them, somewhat similar to the way we ship our strawberries, or they should be sealed in tins, and then put in cold storage in tins, and shipped in specially prepared cold storage crates. In this manner they can be kept almost any length of time, and shipped successfully to any parts of this country. A barrel of oysters properly culled will open from two to three gallons to the barrel, which oysters are worth an average price of about a dollar a gallon. For this opening the shucker receives an average price of about fifteen cents a gallon, the rest is profit to the dealer. Oysters in the shell will keep after ordinary method of packing from two to ten days, according to the temperature of the weather, surviving longest when the weather is cold, providing the weather is not freezing. If packed with the lips or tip downward an oyster will keep from one to two weeks, and in this manner we could ship our oysters to Europe, where they are always in great demand.

Oysters for the canning factories are gathered by oystermen in utter disregard of our present law. They never cull them. They go upon these bars and where they grow in clusters, throw the whole cluster in their boat, and when they gather them with tongs only the shell, or part of it is thrown back, and all the oysters, small and large, are taken to the factories and steamed. Thus the very shell upon which the spat might catch is taken and carried away, and the oyster bar that was once the source of so much profit and revenue to those engaged in the industry becomes as clean as the Senate floor. Nor will the return be recreated within many ages. For these oysters the factories pay from twenty to forty cents a

barrel. The lobbyists against this or any other practical oyster bill will tell you that they cull these oysters, but I say to you that it is not true, and the very fact that they pay from twenty to forty cents for factory oysters per barrel, and from fifty to seventy cents per barrel for culled raw oysters for the market, is within itself proof that they do not cull them.

Planted oysters are more valuable than the natural oysters, and on account of their shape, flavor and size, bring from fifty to one hundred per cent. more in the market. Planted oysters can be successfully grown in all our brackish waters, except upon bars of shifting sands, or deep soft mud. In all coves, and places where the currents do not run swiftly, and where no natural oyster bars are now, or ever will be, the planted oysters can be grown, but the small oysters will have to be carried there, but once carried there will thrive better than in the swift moving currents.

Let us consider whether legislation is necessary. Section 648 of the General Statutes of the State of Florida reads as follows: "Any person desiring to plant oysters in the public waters of this State shall apply to the County Commissioners of the county in which the waters are situated, setting forth his determination to plant oysters in a certain locality, describing the same as nearly as may be possible, and the said commissioners may grant exclusive rights to such persons to such locality, or any portion thereof, with such boundaries as they may deem proper." The objection to this act is that it is left optional with the County Commissioners whether they grant the application or not. Unfortunately in many counties the County Commissioners should be called District Commissioners, for to each County Commissioner is given absolute control of all matters within his district. Consequently the County Commissioner from the coast district will pass upon all applications, thus the question gets into politics, and nothing else is considered by this said County Commissioner as a rule, except whether or not it is good politics to allow or refuse the grant, and as there are people of wealth and influence in every seaport town where there are suitable oyster waters, and transportation financially interested in oyster business, they use their influence to prevent the granting of such

permits. In our county there have been several applications within the last year, and so far as I know all of them have been refused.

Section 647, of the General Statutes of the State of Florida provides that any person obtaining from the County Commissioners such grant or exclusive right, and failing to utilize the same by planting oysters thereon within one year thereafter, shall forfeit such grant. One objection to this section is that a person may obtain a grant and plant only a few bushels of oysters on said grant within a year and never do anything further to the said grant, but yet the grant is perfected and it is his property for all time. We think he should be required to plant a certain quantity to every acre and a certain portion of the grant each year until the whole is planted. Otherwise, the valuable bottoms may be taken up by designing persons for speculative purposes only.

Section 650 refers to the limit of such grants in front of any of the public unoccupied lands of the State of Florida, and limits such grant to one-fourth of a mile.

Section 651 provides that all the existing natural or maternal oyster beds in the waters of this State are exempt from the provisions of this article, and they remain free for the use of the citizens of this State. This is a wise provision, and I deem by its terms that if any grant has heretofore been made that includes such a natural bar or bed the grant, so far as the natural bed or bar is concerned, is void. One objection to our law, as it now stands: There is no provision that is practical for enforcing the law. It is true that the statutes require that the oysters shall be culled, and the small oysters and shells returned to the natural beds or bars, but the rule is to see that the law is enforced. It is a characteristic trait, and a good one, of the Florida people, not to meddle where they are not directly concerned, and for the want of such a law, or for provision for the enforcement of such a law, the result has been that wherever canning factories have been established the natural beds have been depleted. These factories use, each, during the canning season, fifty boats, with two men to the boat, and this fleet of boats, governed by the winds and tides, usually go together or in the same direction, and they will all fall upon a given bar and within one or two days will practically wipe it out of existence, provided the bar is small. But they would stay,

on the same bar from day to day until they have destroyed it, and then the next nearest bar will be an object of prey until it is destroyed. Oysters can be successfully carried by boats to canneries from fifty to seventy-five miles; thus, a strip of coast of from one hundred to one hundred and fifty miles can be depleted of oysters. Oystermen gathering for canneries do not cull the oysters, but put the whole cluster, if they are in clusters, in the boat, thus carrying away the adult oyster, the young growing oysters, the shell or any substance that acts as foundations for oyster bars, and by this means beds of oysters that have been making for thousands of years are in a day or a week completely destroyed. Not only are the natural oyster beds destroyed by not culling of oysters, but as oysters do not spawn until about three inches in length the taking away of all oysters diminishes the supply of eggs and the chances of becoming fertilized, and, therefore, lessens the supply of young oysters. I have been informed that there are seven canning factories in this State, by others I am told that there are fifteen, but I shall make this calculation conservative and will base it at seven factories. These seven factories will use, on an average, 500 barrels each daily, or a total of 3,500 barrels a day, or 21,000 a week, or 546,000 barrels a month, or 2,720,000 barrels annually. These millions of barrels of oysters annually, taken from the waters of this State, are the property, not of the owners of these factories alone, but the property of all the people of the State jointly. The bill under discussion provides that these few persons appropriating these oysters, the property of all the people, to their own private use, shall pay a privilege tax of two cents a barrel, which would yield an annual revenue of \$54,000 to the State. What would you think of permitting a saw mill operator to appropriate the timber of the State lands for his own private use without pay or compensation? The conditions that confront us, to which I call your special attention, are three in number: First, the property of all the people of the State is being appropriated by a few individuals to fill their private coffers without any compensation to the State. Second, the natural beds are being depleted, which means permanent destruction. Third, there are no practical laws on our statute books to encourage artificial

planting and development of the industry. We will consider the first condition. I have already shown you that the oyster factories of this State consume enough oysters yearly, at two cents a barrel, to yield a revenue to the State of \$54,000. Besides this, there is in almost every port within the State having railroad transportation one or more dealers engaged in the shipping of raw oysters. These dealers ship from a few hundred to several thousand barrels annually. There is within this Legislature a dealer in oysters who ships about 18,000 barrels annually in the raw trade. It is useless for me to say to you that he is fighting this bill, and all similar bills, with all the power and influence that he can command. The revenue that could be derived from these barrels shipped or handled for the raw trade at two cents a barrel, together with the revenue placed on the dealers, would, in our opinion, swell the annual revenue to over \$60,000 annually under present conditions. I consider that the people of the State of Florida, taken as a whole, are being permitted by the laws of the State to be robbed of their heritage. Ye Senators from the interior counties must come to the rescue. Your people are concerned; these oysters are theirs as well as ours. If you continue to leave entirely to coast counties, and they in turn to the few counties where the oyster industry is being extensively carried on, there is nothing before us but the ultimate and speedy destruction of the industry, and I warn you that too soon you will find that the natural oyster beds are a thing of the past. For these persons who are interested in reaping where they have not sown will see that those only are selected to represent them in the Legislature who will oppose any change in existing conditions. This is now true of some counties, and these spoilers of our joint property are not content with this, they are here in force, and for days and weeks have been lobbying against this bill, and have caused it to be widely circulated that this bill is for my own personal interest. In these communities where their factories are established they rule supreme, and while in my own town I know the conditions that exist, and was requested and advised by those who labor in the oyster business to pass laws, if it lay in my power, to encourage the planting of oysters, yet, sirs, no sooner was this bill introduced than immediately there came in my own home a petition, signed by practically all the men of the town, opposing

this bill. And upon inquiry I found that out of the eighty-odd persons that had signed the petition that not more than three had read or even seen the bill, and it was not known that even one had read the bill. So completely are these people under the domination of this factory influence that they do their every bidding. You are men accustomed to weigh matters, and I invite you to consider this bill in all of its provisions, and if there are any provisions favorable to me that should not be in the bill then strike out such provisions. To my individual interests I will refer later.

These persons interested in appropriating these oysters to their own use, without compensation to the State, oppose this bill, and as one of their reasons, assert that you cannot destroy natural beds. Either that they have not investigated, or they think that this State is ignorant of the facts. I will not here put my uncorroborated statement against theirs, but will quote to you from the report unop the Mollusk Fisheries of Massachusetts, made in 1909; on page 17 we find the following:

"If we compare the natural shell fish areas of to-day with those of former years we find a great change. All four shell fish formerly thrived in large numbers in the numerous bays and indentations of our coast line. In the estuaries were extensive natural oyster beds, now thousands of acres once productive lie barren, and we have but a remnant of the former abundant yield. History tells us that the Pilgrims at Plymouth sucked the abundance of the seas, and found health and wealth, but between the lines of history we can read a tale of wastefulness and prodigality with hardly a parallel. And to-day we find the natural heritage of the shell fisheries almost totally wasted through the careless indifference of our forefathers. As one looks over the record of the settling of this country and notes how a continent was reclaimed from a state of nature, he can hardly fail to be impressed with the reckless wastefulness of his ancestors in their use of the treasures of nature through the eons of time had been collecting. In thousands of cases natural resources, which carefully conserved would have provided comfort, and even luxury for even generations of men, have been dissipated and destroyed with no substantial benefit to anybody. They scattered our inheritance. * * * * * In thirty years the increasing fierceness of competition has resulted in a revolution

of business methods," and the wastefulness of our natural resources, has been increased many fold." On page 19, of the same report, we quote as follows:

"In spite of the wastefulness of former generations many areas can again be made to produce the normal yield if proper and adequate measures are promptly taken to restore the flats, estuaries and bays of Massachusetts, to their normal productive capacity. In spite of the fact that some of the natural beds having entirely disappeared, either fished out or buried under the debris of civilization, and others are in imminent danger of becoming exhausted. Opportunities for development are alluring. The shell fisheries could be increased in these days of rapid transit and marketing facilities, and the industries could furnish steady employment to thousands of men and women, both directly and indirectly, resulting in a product valued at a minimum of \$3,000,000 annually, with possibilities of indefinite expansion." If Massachusetts with her sea coast can make such a prediction in those cold and deep waters, what mind can grasp the possibilities of our own sun-kissed shores "At present the idea of marine farming attracts popular attention. The conditions are parallel to agriculture, except that in the case of marine farming the crops are more certain. * * * * The experiments of the department of Fishes and Game for the past three years have proved that cultivation of shellfish offers great inducements and profit to both the individuals and towns. When the present waste areas are again made productive the value of the annual catch should be increased ten fold.

"So obvious is the general decline of the shell fisheries that almost every one is aware through the increasing prices, and difficulty of supplying demand, that the natural supply is becoming exhausted."

Again on page 21 we find the following:

"In a general consideration of the shell fisheries it is noticeable that in certain localities the extinction of the industry has been total, in others only partial, while others have remained unchanged, or even improved. This last class is found either where the natural advantages are so great that the resources have not been exploited, or where men have through wise laws and culture meth-

ods, as in the oyster industry, preserved and built up the shell fisheries."

On page 22 we will quote again:

"The direct cause of a decline of the shell fisheries is the increased demand. To-day more shell fish are consumed than ever before, and the demand is much greater each succeeding year. * * * * * This increasing demand has worked havoc with the shell fisheries. There was a time when the natural supply was of such abundance that the moderate demand of those early days could be met without injury to the fishermen. Soon this limit was passed, and with the steadily increasing demand came a corresponding drain on the natural resources, which little by little started a decline, the result of which to-day is apparent. The ill advised policy of the past has been to check the demand by various devices, such as closed season, limited daily production, etc. These not only have proved without benefit to the fishermen, but also have hurt the consumer by increased price. The demand can be checked by raising the price, but this tends toward the class distinction between the rich and the poor. The poor man should be able to enjoy the bounties of the sea as well as the rich. The policy of the future should not be to check the demand, but rather to increase the supply."

I will again read to you from the same report, on page 119 of the same:

"Not only do historical records show this, but the remains of the natural beds at the present time indicate that oysters have existed for centuries; thus there seems to be no reasonable doubt that the northern coast of Massachusetts, as well as the southern, once possessed extensive natural oyster beds.

"A natural bed of oysters once existed in the Parker river, at Newberry, and even fifty years ago it is said that oysters could still be obtained from this natural bed.

"An extensive oyster bed was found at Welfleet Bay, which not only furnished a sufficient supply for the first settlers, but enabled the inhabitants of Welfleet to carry on a considerable trade by shipping them to Boston and other ports until finally destroyed in 1775. Its destruction was due to over-fishing and to utilization of shell for lime, which soon destroyed the natural bar.

"A natural oyster bed once existed in the Oyster Pond, but no trace of it now remains.

"Herring river, in the town of Harwick, still possesses the remnants of a natural oyster bed, as occasionally a few oysters can be gathered along its banks. This bed once comprised a stretch of three-quarters of a mile along the river.

"The town of Yarmouth once possessed a natural oyster bed in Mill Creek, but this was fished out by 1895, and then granted for oyster culture.

"Buzzards Bay comprises the best natural oyster territory in the State. At the present time the natural oyster industry has been supplanted by oyster culture, which gradually took the place of the declining natural oyster fisheries. While natural beds still exist to some extent, they are to all practical purposes extinct where once there were extensive areas, now there are only scattering oysters."

Quoting again from Dr. Moore's report, we find the following:

"It has often been demonstrated that it is quite possible to utterly clean up a bed within the limits of the short close season, and the writer knows of cases in Louisiana in which beds of limited extent were practically bared of oysters within two or three days by a small fleet of boats."

But the opponents of the bill will say that those are the conditions in Maine, and the conditions here are different. Therefore we will read for you extracts from the report from the oyster beds of Louisiana by Professor Moore, published in 1899.

"The amount of bottom suitable for oyster culture is comparatively limited, especially if we except from consideration the extinct oyster reefs. What should be done with the latter is a matter worthy of consideration. As they now are, they are worthless to everybody. It is only here and there that an adult oyster can be found, and even the few old shells remaining upon them are fast disappearing owing to the tax made upon them. * * * In the course of time the shells will become dissolved and entirely disappear, and eventually with the deposit of sediment the bottom will become almost, if not quite, as soft as the surrounding mud.

"The young oyster, as has been frequently pointed out in the publications of the Fish Commission and elsewhere, is extremely minute at the time it settles down from its free-swimming existence, and a very slight de-

posit of silt or slime is often sufficient to prevent its attachment to hard bodies which are its only salvation. The shells upon these old reefs are now more or less completely covered with slime and sediment; whereas upon a thrifty reef there are always many comparatively clean shells to be found.

"Each year that passes makes it more and more improbable that these reefs will ever become rehabilitated, and even now the condition of the shells is such that it is doubtful if oyster fry will find them suitable places for attachment, and the time will certainly come when all hope of nature again establishing beds must be utterly abandoned. In their present condition, however, they appear to be very well adapted to planting purposes, and it appears to be good economics to permit their use for this purpose, rather than to still hug the almost certain vain hope that nature will again step in and renew her bounties, and waiting thus too long, lose the opportunity to make some salvage from the wreck which wasteful and improvident methods have already produced."

"Many other examples could be given, but the above mentioned examples furnish abundant proof that the natural oyster beds of the State which once were sufficient to supply the wants of our forefathers, have declined to such an extent that at the present time but few natural oysters are tonged for the market. Where there were formerly many acres of excellent native oysters, today there is scarcely an acre that can be called good oyster fishing.

"The primary cause of the decline of the natural oyster beds was over-fishing."

I could give other and further authorities, proving these conditions to be the same in every seacoast state of the union, but if one believes not these he would not believe though one rose from the dead. At my old home, where once we thought there would be natural oysters in unlimited supply forever, the factory empires have practically destroyed all the natural oyster beds on the south for twenty miles, and on the north for eight miles. This destruction is not necessary to carry on the canning business. The factory man can, by giving double the price he is giving, get oysters that will yield twice the amount to the barrels that they now yield, and will be less expense in the further handling of the products.

I wish to call your attention to those who get the bene-

fit of the handling of these natural oysters. The oyster-man that gathers for these factories are in the main not citizens of this State, but Greeks and other foreigners. Those who work inside in the factories as shuckers are women, decrepit men and little children of tender years, all foreigners, imported usually from Baltimore, few of them can read and speak our language.

There are lobbyists in this building opposing this and like measures with all the power they possess, who have a monopoly of the light weight oysters of this country. They dictate to all factories and labor unions, terms and conditions. When they start to operate one of their factories some labor agents in Baltimore supply them with men, women and children, and in special cars they are brought from Baltimore into our little town, stored away in hovels, and long before the sun with its golden ray has broken the darkness of the night, these women and children, by artificial light, are standing before the sweat box opening oysters for this monopoly. All day long they stand and rock to and fro on tired feet like a Chinese school boy at his recitation. In these factories children from nine to ten years up are made to work. After the season is over this imported labor is returned, thus the people of the State, not only receive no revenue from this industry, but our old citizens, unable to meet the low scale of wages demanded by this light-weight oyster monopoly, are deprived of the right to work in the industry, and thereby support themselves and those depending upon them.

Now, we will consider the last of the three conditions to which I call your attention. There is in this State but a feeble effort to create artificial beds. This is due to a lack of protection in our laws to those who would engage in the enterprise. For many years the State of Louisiana had parish laws, somewhat similar to those now upon our statute books, but about six years ago she made a law of which this is as near exactly alike as conditions will admit. In the third biennial report of the Oyster Commission of Louisiana we find the following:

"It will be observed that the crop has just doubled in the past four years." In two years six new canneries have been located in Louisiana. What an example this sets for us. Change our laws and adopt her State-wide provision.

So important is this oyster industry becoming, that as

far north as Massachusetts they are engaging more and more each year in the cultivation of oysters, importing the plants from other States.

To such an extent has Rhode Island developed her oyster industry that all her water bottoms that are available for that purpose are now cultivated, and for the year 1908 the little State of Rhode Island, not as large as many of our sea coast counties, received a revenue of \$101,105; in the year 1907 she leased 107,056 acres never before leased. She has had her State-wide laws since 1864, at which time the revenue received was \$61. There is in Rhode Island one person with 3,897 acres in actual cultivation; another with over 2,000 acres; another with a little less than 2,000 acres, and this in a State with a dense population, and a scant territory. One planter pays for leased bottoms annually a revenue of \$23,256.

Connecticut has for about twenty-five years had State-wide laws, which encouraged the cultivating of oysters, and in these twenty-five years her industry has increased and the annual output from \$500,000 to \$5,000,000.

Oysters grow better in our waters, warmed as they are by tropical sun, than in colder climates. If the little State of Connecticut with her hundred miles or so of sea coast can raise five millions dollars' worth of oysters annually, what can the State of Florida accomplish with her 1,200 miles of sea coast. The mind staggers at the magnitude. We have at least ten times as much territory suitable for the raising of oysters as has Connecticut. This would make an annual yield of about \$50,000,000, or about \$86 per capita for every man, woman and child in the whole State of Florida.

Again I will call your attention to the operation of our present law. Our laws forbid the gathering of oysters under three inches, and require them to be culled. This is a good law, but what do those care for this law so long as there is no practical way of enforcing the same. Who is to see that this law is not violated. What compensation is he to receive? These persons who are appropriating these oysters to their own use would have the people in the interior taxed to raise revenue to pay this person and would shirk responsibility of paying him themselves. But I say those who dance should pay the fiddler. Shall the farmers and all other industries of this State pay tax to keep a warden on the waters to see that the oystermen

cull according to law, while the oysterman goes free from taxation? We contend that those who are gathering where they have not sown the heritage of all the people, without money and without price shall not destroy the industry, but that they shall be compelled hereafter to pay a police or license tax to protect the industry. By this means the present conditions could be practically maintained for many years, but shall we stop at this. Barely a one-thousandth part of our available territory yielding food for man, when thousands of square miles worth from one to three hundred dollars an acre each lie ready for development. That when touched by the hand of man will yield the surest and most profitable of all crops. It interferes with no man for these barren bottoms to be made to yield priceless treasures.

Under our present law, as I have said, a person gets a grant, and bona fide complies with all the conditions, he develops it, in a few years the oystermen see that the oysters thereon are plentiful, and that an oysterman can make from four to ten dollars a day by gathering oysters, they look upon the bed with an injuring eye, and no matter how long the grant has been given, five years, ten years, or any number of years, and they can conspire together and assert that where you have planted were natural beds and defeat your grant. You may bring an injunction against them, and they win. Then another may try it, and he may win. And still another, and another, There is no date or time when the grant is safe. In all States in which the planting of oysters has been successfully carried on the State throws around the planter every safeguard, and this bill, if enacted into law, will protect the honest planter, and at the same time will save to the State all her natural beds. Capital will not invest under the conditions now existing here. In some States after a grant has been made persons wishing to dispute the rights to the same must do so within four months, but in this bill now under discussion six months is given for the contesting of the same. Therefore the amendment under discussion is not necessary, as the bill elsewhere provides that all grants heretofore made under existing laws shall not be confirmed as to any natural beds until after six months from the passage and approval of this act. This gives six months for any person or persons claiming that a grant heretofore made contains natural

oyster beds or bars to make complaint to the Oyster Commissioner, and for provisions of the same to be excluded from the grant. In the name of justice, between the State of Florida and her citizens, I ask that this amendment do not pass; but if you think that my interest is such that it would be an injustice to the State of Florida for this bill to become a law as it now is, change to the amendment so as to make it apply to my county, which will affect only myself and wrong not other citizens of the State.

(Refer to report of R. H. Wood, Oyster Commissioner of Texas, September, 1908.)

It is for you, men of the Senate, to say whether or not this great industry shall entirely cease for the want of production, and that the citizens of the State shall be deprived of the revenue justly theirs, or whether you will enact this or similar measures into law protecting and developing the same.

Mr. Henderson moved that the Senate do now adjourn. Which was agreed to.

Whereupon the Senate stood adjourned to 10 o'clock a. m. Saturday, May 22, 1909.

SATURDAY, MAY 22, 1909.

The Senate met pursuant to adjournment.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker (20th District), Beard, Broome, Buckman, Crill, Cook, Cottrell, Davis, Dayton, Flournoy, Girardeau, Harris, Henderson, Hosford, Humphries, Johnson, Leggett, Massey, McCreary, McMullen, Miller, Sams, Sloan, West, Williams, Withers, Zim.—30.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of May 21 was corrected.

The Journal of May 21 was approved as corrected.